

Minnesota Department of Natural Resources

500 Lafayette Road • St. Paul, MN • 55155-40



April 2, 2010

Council on Environmental Quality
Attn: Mr. Terry Breyman
722 Jackson Place, Northwest
Washington, DC 20503

Re: Proposed National Objectives, Principles and Standards for Water and Related Resources Implementation Studies

Dear Mr. Breyman:

Thank you for the opportunity to comment on the Council on Environmental Quality's (CEQ) Proposed National Objectives, Principles and Standards for Water and Related Resources Implementation Studies (Proposed P&S). The following are comments from the Minnesota Department of Natural Resources.

The Proposed P&S contain many helpful provisions that are compatible with our agency's approach to natural resource management, in particular:

- Increasing emphasis on protecting and restoring natural ecosystems and the environment;
- Avoiding adverse environmental impacts and providing compensatory mitigation for unavoidable impacts;
- Avoiding unwise use of floodplains and flood-prone areas;
- Protecting and restoring ecologically valuable areas;
- Utilizing watershed and ecosystem-based approaches;
- Accounting for ecosystem services, although we have some concern over how these may be measured;
- Addressing the potential effects of climate change in project planning; and
- Strongly considering non-structural alternatives, along with more traditional structural options, in addressing water resource problems.

However, we would like to offer the following comments to improve or clarify certain aspects of the Proposed P&S.

Proposed National Objectives, page 1, lines 43-44. National Objective 1.

It appears from the current draft that the Proposed P&S will apply to all Federal water resource projects, including environmental restoration projects such as the Upper Mississippi River habitat restoration projects conducted (or funded) by the Corps of Engineers and restoration projects on national wildlife refuges conducted by the U.S. Fish and Wildlife Service (USFWS). Of concern is the National Objective that all projects contribute to sustainable economic development. While it is reasonable to impose this requirement on traditional flood control and water supply projects, it may be problematic to apply economic development measures to environmental restoration. We recommend that the CEQ establish a stand-alone National Objective promoting environmental protection and restoration that would apply specifically to these projects.

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Proposed P&S, page 5, Chapter 2, Planning Standards

Implementing new standards like accounting for ecosystem services, utilizing watershed and ecosystem approaches, accounting for national benefits and costs, etc. could increase costs of federal feasibility/implementation studies. Smaller projects or those that require non-federal cost sharing could become too costly if this isn't managed. We recommend therefore that implementation guidance consider effects of cost on project feasibility and link the level of analysis required to project size.

Proposed P&S, page 9, lines 26 - 30, Chapter 2, Planning Standards, Item E.

Emphasis on using current data makes sense as general guidance. However, the standard as written is overly prescriptive and could result in use of the newest data rather than the best data available. The age of a data set is not necessarily in our view the best indicator of its quality. This section of the Proposed P&S should be reworded to identify preference for the use of recent data but also clarify that use of older data sets is often appropriate.

Proposed P&S, page 10, lines 23 – 35, Chapter 2, Planning Standards, Item H.

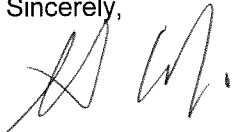
We recommend that the Proposed P&S require Federal project sponsors to acknowledge applicable state regulations standards and, if the selected alternative is non-compliant, explain why. At a minimum, the Proposed P&S should require compliance with delegated federal authorities such as state water quality standards adopted under the authority of the Federal Clean Water Act.

Proposed P&S, pages 10 - 23, Chapter 2, Overview of the Planning Process

Steps in the planning process seem quite similar to preparation of NEPA documents. We recommend that implementation guidance consider ways in which the processes can be streamlined or other efficiencies implemented.

Thank you again for the opportunity to comment on this draft document. Please contact me if you have questions about our comments.

Sincerely,



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